

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF THE	§	
PETITION OF CHARLES A.	§	No. 529, 2006
EDWARDS FOR A WRIT OF	§	
PROHIBITION.	§	Def. ID No. 0601004409

Submitted: October 17, 2006

Decided: January 8, 2007

Before **STEELE**, Chief Justice, **HOLLAND** and **BERGER**, Justices.

ORDER

This 8th day of January 2007, upon consideration of the petition for a writ of prohibition filed by Charles A. Edwards and the answer and motion to dismiss filed by the State of Delaware, it appears to the Court that:

(1) On July 7, 2006, Charles A. Edwards pleaded guilty in the Superior Court to one count of Rape in the Third Degree, a class B felony.¹ Prior to sentencing, Edwards and his defense counsel each filed a motion to withdraw the guilty plea. Edwards also filed a *pro se* motion to disqualify his counsel and to appoint new counsel. The motions are pending in the Superior Court.

(2) Edwards seeks a writ of prohibition from this Court to compel the Superior Court to disqualify his counsel and to appoint substitute counsel. The purpose of a writ of prohibition is to restrain a trial court from

¹ Del. Code Ann. tit. 11, §771 (2001).

exceeding its jurisdiction.² Edwards' petition offers no basis upon which to question the Superior Court's jurisdiction.³ The petition also offers no basis for mandamus relief.⁴

(3) Neither a writ of prohibition nor a writ of mandamus will issue if the petitioner has another adequate and complete remedy at law.⁵ In this case, Edwards has not demonstrated that the appellate remedy would be insufficient to address his claims.

NOW, THEREFORE, IT IS ORDERED that the State's motion to dismiss is GRANTED. Edwards' petition for a writ of prohibition is DISMISSED.

BY THE COURT:

/s/ Randy J. Holland
Justice

² *In re Hovey*, 545 A.2d 626 (Del. 1988).

³ Del. Code Ann. tit. 11, § 2701(c) (2001).

⁴ See *In re Bordley*, 545 A.2d 619 (Del. 1988) (holding that writ of mandamus may issue when petitioner can show that he has a clear right to the relief requested).

⁵ *Id.* at 620; *In re Hovey*, 545 A.2d 626, 628 (Del. 1988).